

**MEMORANDUM****State of Alaska**

TO: Ed Marvich  
Alex McRae

DATE : November 28, 1960

FROM: Ed Cramer

SUBJECT: Auke Lake (Juneau)  
Status of Land Ownership

Per your instructions following data submitted:

Area: Auke Lake, located within Sec. 23 and 26,  
T40S, R65E, CRM.

Status of Surveyed Lands: Reference enclosed map, all subdivision lots are now patented or entered except P-1, P-2, P-3 and Lot A, which USFS withdrawals. In addition, it appears from records that lots F, G, L and 2291 were unsuccessfully entered and relinquished or unentered. USFWS has purchased U. S. Survey 1580 lot for their activities and have requested withdrawal of that general area encompassing Auke Creek from outlet on the lake to a point adjacent to Territorial Sportsmen's hatchery.

That area requested for withdrawal by USFWS is reserved from entry of any type pending classification under Small Tract Act by FLO 842. FLO 842, excluded all those lands as indicated on map for (1) various public purpose and/or (2) classification by Regional Manager, Anchorage for future application under Small Tract Act (52 Stat. 609; 43 U. S.C. 682a). Apparently classification was or has not been carried out to finality, as BLM has not yet surveyed and subdivided area for lease or sale under Tract Act. Under congressional law, no sale to any individual, agency or corporation may occur until survey is completed. This leads one to believe the assumption that above lands are to be restored to the domain for state land selections under Community Land Grant Act (72 Stat. 339; 43 CFR 76.1). Confirmation of this assumption was made by statements of Juneau BLM personnel.

As indicated by red coloring on map, State Lands has made application for Special Land Use Permit for a five acre tract in order to maintain, improve and enlarge their present recreation area. However, date of the State request is three

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days later than date of USFWS withdrawal request. Refer to table below.

<u>Agency</u>	<u>Date of Request</u>	<u>Nature of Request</u>	<u>Acreage Involved</u>
Territorial Sportsmen	4/13/60	R&PP Site	.80 (Black area)
USFWS	6/10/60	Segregation & Withdrawal	8-10± acres (Blue lined area)
State of Alaska	6/13/60	S. L. V. P.	5 acres (red lined area)

Withdrawals in Alaska - General: I have been informed continuously by Mr. Bower of BLM Forestry, Anchorage and Don Griffith of BLM Withdrawals Section, Anchorage Regional Office, that it is the policy of the Bureau to refrain from withdrawing any lands in Alaska, outside of Arctic Wildlife Range problem and military withdrawals and reserves, during the State's land selection period.

They would not consider a withdrawal as requested by us for any purpose, even sport fishing access sites and campground-park sites, although they agreed it is needed and were quite sorry nothing within their power could be done for so valuable a public service.

YKT - the Juneau BLM branch office indicated they would have gone ahead with the withdrawal, had not the problems raised by the State, appeared. It appears this would have been their last withdrawal action prior to closing "shop" and returning to Anchorage office.

Views and Recommendations:

- 1 - As noted above, USFWS has from a legal standpoint of entry, priority of land use request over the State.
- 2 - However, if an official State letter could be considered as indication of legal interest in acquiring

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title and entry, we may have priority of entry through letter dated 30 January 54 (see thermofax copy enclosed). This is questionable legal evidence, as no record of such request ever indicated on BLM Land Status maps.

- 3 - It is recommended that we continue our protest, but our stand may be legally weak in small part.
- 4 - Another approach would be, and it would be a darn good one, to make application for this area under R&PP (Recreation and Public Purposes) Act (44 Stat. 741; 43 USC 869; 43 CFR 254) and purchase it per such regulations. Purchase could be for following reasons:
  - (a) - Sport Fish access site.
  - (b) - Sport Fish Hatchery site.
  - (c) - Development by Parks and Recreation as a campground and scenic overlook.
- 5 - Refusal of Juneau BLM to show undersigned the true case history of this problem and as verified by use of case history in Fairbanks Office, may indicate "collusion" between USFWS and BLM.
- 6 - Should (1) we be successful on R&PP application or (2) State gain this parcel under community grant, recommend appropriate Right-of-way for pipeline be issued to USFWS.

EC:am

Ed Cramer